

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Stadler et al.	Docket No.:	49248
Serial No.:	09/762,044	Confirmation No.:	7928
Filing Date:	2/1/2001	Examiner:	LEVY, NEIL S
Customer No.:	26474	Art Unit:	1615

For: Soil granulates with controlled active ingredient release (cr soil granulates)

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INTERVIEW SUMMARY UNDER 37 C.F.R. § 1.133

Sir:

This summary includes a complete written statement the telephone interview conducted on September 19, 2007. This interview was also summarized by the examiner in an Office Interview Summary faxed September 19, 2007.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account 14.1437. Please credit any excess fees to such account.

Respectfully submitted,
NOVAK DRUCE & QUIGG, LLP



Michael P. Byrne
Registration No.: 54,015

1300 Eye St. N.W.
Suite 1000 West
Washington, D.C. 20005
Phone: (202) 659-0100
Fax: (202) 659-0105

REMARKS

A telephonic interview took place on September 19, 2007, between Examiner Levy, and Michael P. Byrne.

(A) A brief description of the nature of any exhibit shown or any demonstration conducted;

No exhibit was shown. No demonstration was conducted.

(B) Identification of the claims discussed;

Claim 1 was discussed.

(C) Identification of specific prior art discussed;

The art of record was discussed. CA 2,178,655 was discussed specifically.

(D) Identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary form completed by the examiner;

The Examiner indicated that claim 1 would be allowable, if amended so that the active ingredient is systemically acting strobilurins.

(E) The general thrust of the principal arguments of the applicant and the examiner

The Examiner indicated that the art of record fails to teach or to suggest systemically-acting strobilurins of the claimed controlled release granules. The Examiner also indicated that the art of record fails to teach or suggest controlled release (CR) granules

for soil-application obtained by applying an active-ingredient-comprising polymer coating to a solid carrier in a fluidized bed with a defined heat input of from about 11,864 to 25,000 kJ/kg of coating polymer. The Examiner commented that the USPTO has made no determination of whether the claimed heat input was inherent in any prior art reference, and that such a determination would be difficult to make. The Examiner noted, however, that claim 1 is directed to a composition and not to a process.

(F) A general indication of any other pertinent matters discussed;

No other pertinent matters were discussed.

(G) If appropriate, the general results or outcome of the interview; and

No agreement was reached.